

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

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June 1995

SPECIAL EDITION

NEW LAWS AFFECTING VARIOUS COUNTY OFFICES

The following is a digest of some of the laws passed by the 1995 Regular session of the General Assembly affecting various offices in county government. Some of the laws do not pertain directly to a particular county office, but are included in this digest for ready reference to the covered subject matter.

The digest is not intended as an expression of legal interpretations, nor is the digest intended to be all inclusive. References in the digest will be to the Indiana Code in the following form [Amends IC 33-17-10-5] which means [Amends Indiana Code, Title 33, Article 17, Chapter 10, Section 5]. Please note the effective date on each law.

PL 3-1995 - HOUSE ENROLLED ACT #1783 - Various effective dates

3-6-4-16 (Amended) - County election board or board of registration is entitled to receive a per diem of \$25 and a mileage allowance in going to and returning from instructional meeting reimbursed from the county general fund without appropriation. Title 3 (Amended) - Various election changes.

PL 8-1995 - HOUSE ENROLLED ACT #1743 - Effective July 1, 1995

Various election law changes.

PL 10-1995 - SENATE ENROLLED ACT #74 - Effective July 1, 1995

5-10.2-4-1 (Amended) - Members of PERF who retire after June 30, 1995, is eligible for normal retirement if (1) 65 age, 10 years service, (2) 60 age, 15 years of service, (3) age plus service is 85 and member is at least 55.

PL 12-1995 - SENATE ENROLLED ACT #10 - Effective JANUARY 1, 1995

Title 3 (Amended) - Various election changes.

PL 13-1995 - SENATE ENROLLED ACT #502 - Effective July 1, 1995

3-6-5.2-6 (Amended) - Lake County combined election board and board of registration has the power to perform the duties of the clerk of the circuit court and county commissioners.

PL 14-1995 - SENATE ENROLLED ACT #616 - Effective July 1, 1995

3-6-6-5 (Amended) - County commissioners may issue an order providing election judges shall perform and have the rights of election sheriffs.

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PL 17-1995 - SENATE ENROLLED ACT #384 - Effective July 1, 1995

6-1.1-18.5-9.8 (Amended) - Maximum property tax rate levied for cumulative funds must be adjusted each time a general reassessment takes effect. State Board of Tax Commissioners shall compute and provide the rate to each political subdivision.

6-1.1-41 (New) - Procedures for the establishing of a cumulative fund or increasing the tax rate in a cumulative fund. County auditor shall immediately certify petition to the State Board of Tax commissioners. Tax collected must be held in fund for which tax was levied and may not be expended for any purpose other than specified by statute. Expenditures may be made only after an appropriation has been made. If fund is no longer needed or the tax is rescinded, governing body may transfer balance in the fund to the general fund. Money, otherwise, does not revert to general fund at the end of year.

PL 18-1995 - HOUSE ENROLLED ACT #1118 - Effective July 1, 1995

33-4-8-5 (Amended) - Per diem and reimbursement for mileage and reasonable expenses for a senior judge shall be paid by state.

PL 25-1995 - HOUSE ENROLLED ACT #1598 - Various Effective Dates

6-1.1-10-16 (Amended) - Does not exempt from property tax an office or a practice of a physician that is owned by a hospital.

6-1.1-10-18.5 (Amended) - Does not exempt from property tax an office or a practice of a physician that is owned by a hospital.

6-1.1-12-28.5 (Amended) - Resource recovery deduction.

PL 27-1995 - SENATE ENROLLED ACT #66 - Effective July 1, 1995

4-4-9-4 (New) - County, under certain conditions, is eligible to receive a grant from Rural Development Program equal to the amount the county contributes to a project for the construction of a sewer system, sewer system extension, water distribution system, or water distribution system extension.

5-1-14-14 (Amended) - County may establish a revolving fund from grants, revenue received under 6-3.5-7, proceeds from the sale of notes, or proceeds of bonds. County may loan money in revolving fund to any borrower if fiscal body finds the loan will be used for the following economic development purposes: (1) promoting significant opportunities for gainful employment, (2) attracting new major business, (3) retaining or expanding a significant business. Local government entities may borrow if their jurisdiction includes the geographic area within the boundaries of the county. Both parties shall approve, by resolution, the loan along with the conditions of the loan.

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PL 27-1995 - SENATE ENROLLED ACT #66 - (CONTINUED)

EDIT revenue or repayments of principal and interest which were funded with EDIT revenues may at any time be transferred in whole or part to the unit's EDIT fund, by ordinance of fiscal body.

PL 39-1995 - HOUSE ENROLLED ACT #1070 - Effective on Passage

4-20.5-7-7.1 - (New) - Should state property become available and no state agency takes property then state shall make it available to municipalities, counties, or political subdivisions. Unit has sixty days to respond.

PL 40-1995 - HOUSE ENROLLED ACT #1071 - Effective July 1, 1995

5-13-9.1 (New) - Creates a Public Finance Study Commission, which includes county treasurers, to review and evaluate investment statutes and investigate investment options for local units of government.

PL 48-1995 - SENATE ENROLLED ACT #115 - Effective July 1, 1995

4-23-24 (New) - Establishes Indiana Advisory Commission on Intergovernmental Relations in which four members will be county officials nominated by the Association of Indiana Counties. Commission shall enhance coordination and cooperation between state and local governments.

PL 49-1995 - HOUSE ENROLLED ACT #1510 - Effective July 1, 1995

5-4-1-18 (Amended) - County Council may authorize purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees.

PL 60-1995 - HOUSE ENROLLED ACT #1227 - Effective July 1, 1997

33-19-5-2 (Amended) - Increased infraction or ordinance violation costs from \$65 to \$70.

PL 61-1995 - SENATE ENROLLED ACT #631 - Effective July 1, 1995

33-19-6-16 (New) - In each criminal action in which a person is convicted of an offense in which the possession or use of a firearm was an element, the court shall assess a safe schools fee of not less than \$200 and not more than \$1,000. Clerk of the circuit court shall collect fee and remit to Auditor of State.

PL 62-1995 - SENATE ENROLLED ACT #325 - Effective July 1, 1995

5-2-11-5 (Amended) - Drug Free Community Fund. Fiscal body shall annually appropriate the remaining money in the fund allocated by the legislative body.

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PL 64-1995 - SENATE ENROLLED ACT #441 - Effective January 1, 1996

5-3-1-0.4 (New) - Defines newspaper.

5-3-1-0.6 (New) - Definition of where a newspaper or qualified publication is published.

5-3-1-0.7 (New) - Defines qualified publication and a publication not qualified as a qualified publication.

5-3-1-1 (Amended) - Basic charges for publishing a public notice prior to January 1, 1996, is \$3.30 per square for the first insertion and \$1.65 per square for each additional insertion. After December 31, 1995, newspaper or qualified publication may, effective January 1 of any year, increase the basic charges by 5% more than the basic charges during the previous year. Basic charge for first insertion may not exceed the lowest classified advertising rate charged to advertisers for comparable use of the same amount of space for other purposes. 50% additional charge for rule or tabular work still applies. Public notice advertisements may be submitted in electronic form, if newspaper or qualified publication is equipped to accept information in compatible electronic form.

5-3-1-2 (Amended) - Notice of the passage of ordinance shall be published one time within thirty days after the passage of ordinance.

5-3-1-4 (Amended) - Political subdivision shall designate newspapers or qualified publication in which political subdivision shall publish notices. County commissioners shall make designation at the first meeting in January of each year. If designated newspaper or qualified publication becomes ineligible, county commissioners shall designate a replacement newspaper or qualified publication at the next meeting. Repealed provision that two newspapers must be of political affiliation. May publish public notices in a qualified publication to provide supplementary notification to the public.

5-3-2-2 (Amended) - Qualified publication must be circulated to not less than 10% of the population of the county. Applies to counties of less than 40,000.

5-11-10-2 (Amended) - Claims for salaries fixed in a definite amount by ordinance or statute, per diem of jurors, and salaries of officers of the court no longer need to be advertised.

36-2-2-19 (Amended) - In addition to publishing of annual report, county executive shall post and publish a statement that includes the name of and compensation paid to each county officer, deputy, and employee.

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PL 64-1995 - SENATE ENROLLED ACT #441 - (CONTINUED)

36-2-6-3 (Amended) - Claims, except payroll, filed for consideration of the county executive must state their amounts and to whom they are paid.

PL 66-1995 - SENATE ENROLLED ACT #222 - Effective Upon Passage

5-10-1.1-1 (Amended) - Contribute to a nonqualified deferred compensation plan on behalf of eligible employees.

5-10.2-2-1 (Amended) - Allows political subdivision who established and provided before January 1, 1995, and can continue to provide, retirement, disability, and survivor benefits to employees if (1) political subdivision took action prior to January 1, 1995 and (2) was not a participant in PERF on January 1, 1995.

**PL 69-1995 - HOUSE ENROLLED ACT #1526 - Effective July 1, 1995 and
PL 71-1995 - SENATE ENROLLED ACT #166 - Effective July 1, 1995**

These do not apply to counties except Marion County.

PL 72-1995 - SENATE ENROLLED ACT #245 - Effective July 1, 1995

5-11-14-1 (Amended) - State Board of Accounts called conferences. Must provide at each conference the following: (1) proper use of form, (2) keeping of records, and (3) at treasurer's conference investment training.

5-13-9-2 (Amended) - Investments may be securities backed by the full faith and credit of the U.S. Treasury or fully guaranteed by the U.S.; and issued by (1) U.S. Treasury, (2) Federal Agency, or (3) Federal instrumentality. Investments may be made only in securities having a stated final maturity of two years or less from the date of purchase.

5-13-7-6 (Amended) - Local board of finance at the annual meeting in January will receive and review report from treasurer.

5-13-7-7 (New) - Investment officer shall make a written report to board of finance summarizing the investments during the previous year. Report must contain the name of financial institution, government agency or instrumentality, or other person with whom invested money. Board of finance shall review report and overall investment policy.

5-13-9-9 (New) - An officer may not purchase securities on margin or open a securities margin account for the investment of public funds. Report first required in January 1996 for the year 1995.

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PL 73-1995 - SENATE ENROLLED ACT #593 - Effective Upon Passage

5-13-4-20 (Amended) - Excludes proceeds of bonds payable exclusively by a private entity from the definition of public funds.

PL 74-1995 - HOUSE ENROLLED ACT #1052 - Effective Upon Passage

5-13-8-1 (Amended) - Determining the eligibility of a depository to receive public funds. Ineligible if: (1) unwilling or unable to perform banking services reasonably required by board of finance, (b) unwilling or unable to comply with state or federal statute, rule, or other regulation that governs the records or handling of public funds, or (c) found to be ineligible for any cause that is adopted in the written rules of board of finance and is directly related to safe handling of public funds.

5-13-8-7 (Amended) - Revoking of depository. May at any time at a meeting called for that purpose. Must notify by advance written notice by first class or registered mail not less than 20 days before meeting. Board of finance may revoke for the same three reasons as listed in 5-13-8-1 in addition to no longer qualifying as a depository.

5-13-8-9 (Amended) - Allows county and political subdivisions with only one financial institution willing to accept public funds, to treat that financial institution as if not located within county and political subdivision and to designate one or more as allowed if no depository exists.

5-15-6-3 (Amended) - Destruction of public records. Public records by definition now includes records that have been recorded, copied, or reproduced by photographic, photostatic, miniature photographic, or optical imaging. Copy must be treated as original. Records may be destroyed only with approval of commission and subject to State Board of Accounts audit.

PL 78-1995 - HOUSE ENROLLED ACT #1582 - Effective July 1, 1995

5-14-3-8 (Amended) - Fiscal body shall establish a fee schedule for certification, copying, or facsimile machine transmission of documents. Fee may not exceed cost and the fee must be uniform throughout the public agency and uniform to all purchasers. For providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the public agency, may charge a fee that does not exceed the sum of the agency's direct cost and the standard cost for selling the same information to the public in the form of a publication if the agency has published the information and made the publication available for sale.

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PL 79-1995 - SENATE ENROLLED ACT #248 - Effective July 1, 1995

5-15-1-1 (Amended) - Allows records to be recorded, copied, or reproduced by any optical imaging process that correctly and accurately copies the record.

PL 82-1995 - HOUSE ENROLLED ACT #1398 - Various Effective Dates

36-1-9-1 (Amended) - Exempts additional transactions from public purchase: (1) person paying with funds other than public funds, (2) person who has entered into agreement under IC 36-1-14.3.

36-1-9-3 (Amended) - Changed threshold when a purchase must be bid in certain counties. Must bid when total price or annual rent payments are (1) at least \$75,000 for counties containing consolidated city or second class city, (2) at least \$50,000 for counties containing a third class city or town with a population greater than 5,000, (3) at least \$25,000 if not included in (1) or (2).

36-1-9-4 (Amended) - Changed threshold when a purchase may be made under this section. Must invite quotes when total price or annual rent payments are (1) at least \$25,000 and less than \$75,000 for counties containing a consolidated city or second class city, (2) at least \$25,000 and less than \$50,000 for counties containing a third class city or town with a population greater than 5,000.

36-1-9-4.5 (New) - When total price or annual lease payments are less than \$25,000 may (1) comply with section 4, (2) purchase on open market without quotes, (3) adopt reasonable procedures.

36-1-11-3 (Amended) - Increased threshold when fiscal body must approved disposal of property to (1) real property having an appraised value of \$50,000 more (2) lease of real property for which total annual rental payments will be \$25,000 or more.

36-1-11-1 (Amended) - Added one additional exception when this chapter doesn't apply. Disposal to a person under IC 36-1-14.3.

36-1-11-17 (New) - Disposed property that is to be reconveyed or automatically returned shall be agreed to before the disposal. If not, shall obtain at least two appraisals and pay not more than the average.

36-1-12-3 (Amended) - Increased limit on performing public work project with own work force without awarding a contract to \$100,000. Cost includes actual cost.

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PL 82-1995 - HOUSE ENROLLED ACT #1398 - (CONTINUED)

36-1-12-4 (Amended) - Changed threshold when a public work project must be bid. Must bid when cost (1) is at least \$75,000 in counties containing consolidated city or second class city, (2) is at least \$50,000 for counties containing third class city or town with a population of more than 5,000, (3) is at least \$25,000 if not included in (1) or (2).

36-1-12-4.7 (New) - May invite quotes on public works project when cost (1) is at least \$25,000 and less than \$75,000 in counties containing a consolidated city or second class city, (2) is at least \$25,000 and less than \$50,000 in counties containing a third class city or town with a population or more than 5,000. Invite at least three quotes. Quotes received at a public meeting and opened and read aloud. Award contract to lowest responsible and responsive bidder. May reject all quotes.

36-1-12-5 (Amended) - Projects costing less than \$25,000 may be bid or quote. If board rejects all quotes then may negotiate and enter into agreements in the open market without quotes if in writing board establishes reasons for rejecting quotes.

36-1-12-13.1 (Amended) - Increased threshold for projects under this section to \$100,000.

36-1-14.3 (New) - Public-private agreements - County commissioners must adopt provisions by resolution or ordinance. Political subdivision may enter into a public-private agreement with an operator for the constructing, operating, and maintaining of a public facility and the operation, maintenance, repair or management of a public facility. Records of an operator that is a party to a public-private agreement are subject to inspection and copying to the same extent as records of the public agency. Term is limited five years. Agreement is through a request for proposal provision.

PL 84-1995 - SENATE ENROLLED ACT #313 - Various Effective Dates

6-1.1-35-3 (Amended) - Amount to be received by township assessors, county assessors, or other members of the county board of review and their employees for attending instructional sessions of the State Board of Tax Commissioners shall be established by the fiscal body within the guidelines of this chapter.

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PL 85-1995 - HOUSE ENROLLED ACT #1782 - Effective July 1, 1995

6-1.1-12.1-12 (New) - Economic revitalization area deductions. If property owner ceases operation in which deduction was granted and designated body finds owner provided false information property owner shall pay amount determined by county auditor to county treasurer. Property owner may appeal the decision by filing complaint with clerk of circuit court together with bond conditioned to pay costs if appeal determined against property owner. County Treasurer shall distribute money paid on a pro rata basis to general fund of each taxing unit that contains property subject to the deductions as determined by county auditor.

PL 86-1995 - HOUSE ENROLLED ACT #1121 - Effective July 1, 1995

6-1.1-15-4 (Amended) - Taxpayer may request the tax court to grant an appeal when State Board of Tax Commissioners fail to conduct a hearing withing the period prescribed.

6-1.1-17-16 (Amended) - State Tax Board shall give notice on proposals to revise, reduce, or increase the tax levy or tax rate. County has one week to provide written response specifying how to make the reductions.

6-4.1-4-6 (Amended) - Inheritance tax penalty shall be paid in county in which resident decedent was domiciled at the time of resident decedent's death.

6-4.1-9-5 (Amended) - Person liable for inheritance tax shall pay in county in which resident decedent was domiciled at the time of the resident decedent's death.

6-4.1-9-6 (Amended) - County in which inheritance tax is collected shall receive 8%.

PL 88-1995 - HOUSE ENROLLED ACT #1323 - Effective July 1, 1995

6-1.1-24-1 (Amended) - Included special assessments with taxes into the wording from prior year's spring installment. Deleted language in which special assessments has been billed at least one time.

6-1.1-24-7 (Amended) - New wording for who is eligible to claim money in tax sale surplus fund.
(1) Owner of record who is divested of the owner's property by the issuance of a tax deed to the tax sale purchaser (taxpayer - upon issuance of tax deed) or (2) tax sale purchaser, upon redemption of a tract or item of real property (purchaser - upon redemption of tract or item of real property).

6-1.1-24-9 (Amended) - Added an additional requirement on the certificate of sale. Certificate shall contain the total amount of delinquent property taxes and delinquent special assessments owed on the real property.

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PL 88-1995 - HOUSE ENROLLED ACT #1323 - (CONTINUED)

6-1.1-24-14 (New) - Duties of county treasurer or county auditor that are the responsibility of the respective officer regarding the conduct of a tax sale may not be performed under contract or by a person or entity, unless consented to in writing by the respective officers.

6-1.1-25-2 (Amended) - Includes the language delinquent property taxes and delinquent special assessments instead of purchase price to the 110%, 115%, 125% redemption. New section that in addition to 110%, 115%, 125%, total amount for redemption includes amount by which purchase price exceeds the delinquent property taxes and delinquent special assessments on the real property plus 7% per annum of the excess.

6-1.1-25-2.5 (New) - County auditor may petition court to establish a schedule of reasonable and customary fees that apply to a purchaser who submits a claim. When court provides schedule, county auditor may not reimburse at a rate higher than schedule. Purchaser may petition court for higher rate or reimbursement.

6-1.1-25-4 (Amended) - Deed issued to county, taxes and special assessments for which property offered for sale, all subsequent taxes, special assessments, interest, penalties, and cost of sale shall be removed from tax duplicate.

6-1.1-25-4.6 (Amended) - County auditor shall file a verified petition in the same court and under the same cause number in which the judgement of sale was entered asking the court to direct county auditor to issue a tax deed.

6-1.1-37-10 (Amended) - Payments received by due date if payment is (1) received on or before due date to county treasurer or collecting agent of treasurer (2) deposited in U.S. mail (a) property addressed to principal office of treasurer (b) with sufficient postage and (c) certified or postmarked by postal service as mailed on or before due date. Does not include date printed by postage meter that affixes postage to envelope.

6-2.5-8-7 (Amended) - Retail merchant certificate shall be revoked for delinquent taxes.

36-9-23-33 (Amended) - Changes dates for sewage liens and when to certify to county auditor. Before December 15th, to be collected the next May.

PL 89-1995 - HOUSE ENROLLED ACT #1760 - Effective February 28, 1995

6-1.1-25-4 (Amended) - Certification of delinquent taxes, interest, penalties, and costs for oil or gas lease or separate mineral rights to the clerk. Subject to collection as delinquent personal property taxes under 6-1.1-23.

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PL 90-1995 - SENATE ENROLLED ACT #331 - Effective July 1, 1995

6-1.1-25-4.6 (Amended) - Petition for tax deed shall be filed under the same cause number as the judgement for sale.

PL 94-1995 - HOUSE ENROLLED ACT #1429 - Effective Upon Passage

6-3-4-8 (Amended) - Wages of precinct election officers who perform duties of precinct election officer on election day is not required to have deduction from wages amount prescribed in withholding instructions issued by department. Taxable years that begin after December 31, 1994.

PL 96-1995 - SENATE ENROLLED ACT #450 - Effective Upon Passage

6-3.5-1.1-1.3 (New) - Unless resolution passed by a majority of members of each of the county fiscal bodies, a county or joint solid waste district may not receive a CAGIT distribution.

6-3.5-6-1.3 (New) - Unless resolution passed by a majority of members of each of the county fiscal bodies, a county or joint solid waste district may not received a COIT distribution.

13-9.5-2-11 (New) - Provides requirements that must be met to be eligible to include within district's budget tax revenue.

13-9.5-2-15 (New) - Solid waste district may contract with county to collect fees and revenue. County auditor, county treasurer, county commissioners, and district board must consent to terms and approve the contract. County may charge a collection fee which may not exceed the direct costs for collecting fees and revenue. Collection charges must be deposited in general fund.

13-9.5-2.3 (New) - Procedures for the withdrawing or removal of a county from joint solid waste district.

PL 97-1995 - HOUSE ENROLLED ACT #1485 - Effective Upon Passage

6-3.5-6-17.4 (New) - County option income tax in a county having population of more than 36,700 but less than 37,000. May reduce required six month balance to three month balance. Excess balance to be distributed by auditor, not later than 30 days after receiving amount, to be determined by Budget Agency.

PL 101-1995 - SENATE ENROLLED ACT #645 - Effective July 1, 1995

6-6-10-7 (Amended) - Emergency Planning and Right to Know Fund. Money shall be appropriated by fiscal body upon receipt of the local emergency planning committee's spending plan. May not appropriate money from this fund for any person or purpose other than the local emergency planning committee. All equipment, apparatus, and supplies purchased with money from the fund remains under the direction and control of the local emergency planning committee.

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PL 102-1995 - HOUSE ENROLLED ACT #1604 - Effective Upon Passage

6-9-2-2 (Amended) - Lake county Inkeeper's Tax. Distribution formula for the tax received.

PL 106-1995 - HOUSE ENROLLED ACT # 1688 - Effective July 1, 1995

7.1-2-3-9.1 (Amended) - County clerk shall immediately notify the county treasurer that registry has been received and make registry available for copying by the county treasurer.

7.1-3-19-4 (Amended) - Clerk of the circuit court shall provide immediately to the county treasurer a copy of the time and place of investigations before the local board.

PL 118-1995 - HOUSE ENROLLED ACT #1403 - Effective July 1, 1995

8-23-3-8 (Amended) - Money distributed from the public mass transportation fund must be distributed to consolidated city not to the public transportation corporation.

PL 173-1995 - HOUSE ENROLLED ACT #1384 - Effective July 1, 1995

13-7-20-43 (New) - Local government may not enact or enforce an ordinance rules under this chapter (Underground storage tanks). After July 1, 1995, local government may not enforce or enact an ordinance that requires (1) permit, (2) license, (3) approval, (4) inspection, (5) payment of fee or tax for installation, use, retrofitting, closure, or removal of underground storage tank unless ordinance approved. If not responded to within 90 days, unit may enact and enforce ordinance as if approved.

PL 208-1995 - SENATE ENROLLED ACT #351 - Effective Upon Passage

36-1-12.5-2 (Amended) - Allow counties to enter into a guaranteed energy savings savings contract.

PL 209-1995 - HOUSE ENROLLED ACT #1303 - Effective July 1, 1995

20-12-11-2 (Amended) - Board of Trustees of state universities may sell or give real estate to political subdivisions for any or no consideration as determined by Board of Trustees and governmental entity.

PL 211-1995 - HOUSE ENROLLED ACT #1116 - Effective Upon Passage

21-1-7 (Amended) - Repealed provisions with regards to county auditor making loans from common school fund, congressional township school fund, permanent endowment fund of IU, and all principal of school funds of the State, to individuals. the county may still borrow from these funds.

23-14-29 (Amended) - Repealed provisions with regards to county auditor making loans from cemetary corporation, church association, or organization (cemetary trusts) monies held by the county.

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PL 215-1995 - SENATE ENROLLED ACT #233 - Effective July 1, 1995

22-2-6-4 (New) - Employer may deduct from the wages of employee an amount the employee was overpaid. Must give employee two weeks notice before employer may deduct. Limits the amount that may be deducted.

PL 246-1995 - HOUSE ENROLLED ACT #1386 - Effective July 1, 1995

25-31-1-19 (Amended) - Engineer's seal on certain construction or maintenance of public works.

PL 247-1995 - SENATE ENROLLED ACT #550 - Effective July 1, 1996

26-1-8.1 and 26-1-9 - (Amended) - UCC Provisions.

PL 256-1995 - SENATE ENROLLED ACT #370 - Effective July 1, 1995

27-1-29-14 and 27-1-29.1-18 (Amended) - No amount may be paid from the Indiana Political Subdivision Risk Management Commission or the Political Subdivision Catastrophing Liability Fund unless the cause is an act or omission of the political subdivision.

PL 268-1995 - HOUSE ENROLLED ACT #1276 - Effective July 1, 1995

31-6-8-1 (Amended) - Confidentiality of juvenile records. Amended wording to include chronological case summaries. Allows public, whenever a petition is filed, to receive information on juveniles. Lists those items that may be released. All other records should be placed in envelope marked "confidential" and placed inside court's file.

PL 270-1995 - HOUSE ENROLLED ACT #1495 - Effective Upon Passage

31-6-4-18 (Amended) - Costs of any services ordered by the juvenile court for any child, child's parent, guardian, or custodian, including costs resulting from institutional placement, shall be paid by county and reimbursed to county by the child's parent or the guardian of the estate of the child. Court, under certain conditions, may waive the payment. Support order entering institutional placement of the child must be paid through the clerk of the circuit court.

PL 271-1995 - HOUSE ENROLLED ACT #1613 - Effective July 1, 1995

31-6-9-5 (Amended) - Juvenile detention and shelter care facilities. County having a population of more than 107,000 but less than 108,000, a juvenile detention facility or juvenile shelter care facility shall be operated by juvenile court. Legislative body shall determine the budget.

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PL 273-1995 - HOUSE ENROLLED ACT #1036 - Effective July 1, 1995

32-1-1-10 (New) - Money in the county surveyor's corner perpetuation fund may be used to fund the activities of the State geodetic advisor established by Purdue University.

PL 275-1995 - HOUSE ENROLLED ACT #1306 - Effective July 1, 1995

32-8-16-1 (Amended) - Procedures for the sale of mortgaged property in a foreclosure. Clerk shall certify judgment to county sheriff who shall publish advertisement prior to selling property.

PL 277-1995 - HOUSE ENROLLED ACT #1062 - Effective July 1, 1995

32-8-39 (New) - Common law liens. Shall file with county recorder a statement of the person's intention to hold a common law lien. Statement must include certain provisions. Recorder shall mail by first class mail one statement within three days to property owner. Collect two dollars (\$2.00) for each statement mailed. To release common law lien and expunge from recorder's records property owner shall comply with certain requirements. Property owner files an affidavit with recorder. Affidavit must include certain provisions. Lien is released when recorder records affidavit and certifies on face of record of lien that lien is released.

PL 278-1995 - HOUSE ENROLLED ACT #1741 - Effective July 1, 1995

34-4-34-6 (New) - When a judgement that includes a punitive damage award is entered in a civil action, the party against whom the judgement was entered shall pay the punitive damage award to the clerk where the action is pending. Clerk shall pay to the person whom punitive damages were awarded 25% and pay the remaining 75% to the treasurer of state who deposits it in the violent crime victims compensation fund.

PL 279-1995 - SENATE ENROLLED ACT #619 - Various Effective Dates

33-10.5-9-8 (Amended) - Small claims referee no longer paid by county (Kosciusko County).

33-13-12-7 (Amended) - Increased salary of judges. \$85,000 plus additional under 36-2-5-14. State shall pay all of salary. County pays additional. If county is paying additional salary, county auditor shall certify to State Court Administration that amount by November 2nd of each year. Judges, Prosecuting Attorney, Chief Deputy Prosecuting Attorney, Deputy Prosecuting Attorney, Magistrate continues to be entitled to any health benefits that are paid by county.

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PL 279-1995 - SENATE ENROLLED ACT #619 - (CONTINUED)

33-19-5 (Amended) - Change in most court cost amounts (all but small claims). Criminal - \$120 from \$110; Infraction/Ordinance - \$60 from \$51; Juvenile - \$120 from \$40; Civil - \$100 from \$55; Probate - \$100 from \$55. New fee - Deferred Prosecution Fee - \$25. Distribution of partial payment by clerk, unless directed otherwise by court, (1) General Court Costs, (2) County User Fee Fund, (3) State User Fee Fund, (4) Any other applicable User Fee Fund, (5) Fines.

33-19-7-1,2,3 (Amended) - New percentage distribution of court costs by clerk: 70% (from 50%) to state, 27% (from 47%) county, 3% city and town court costs.

33-19-7-4 (Amended) - New percentage distribution of court costs by cities and towns: 50% (from 55%) to State, 25% (from 15%) county, 25% (from 30%) city and town court costs.

34-1-13-4 (Amended) - Judge pro tempore pay increased to \$20 per day, out of county is an additional \$20 for a total of \$40. Full-time judge may not be paid compensation for serving as special judge, except reasonable expenses for meals, lodging, travel.

36-2-5-14 (Amended) - Limits appropriation from county for salaries of each judge or full-time prosecuting attorney to \$5,000.

PL 280-1995 - HOUSE ENROLLED ACT #1570 - Effective July 1, 1995

33-19-5-7 (New) - Clerk not required to show on receipt the breakdown of court costs or fees collected under 33-19-6.

PL 281-1995 - SENATE ENROLLED ACT #283 - Effective Upon Passage

33-4-1-2.8 (New) - Allen County Hearing officer whose salary equals that of a magistrate and paid by the county.

PL 283-1995 - SENATE ENROLLED ACT #244 - Effective Upon Passage

33-14-7-19.5 (Amended) - Definition of full-time prosecuting attorney. Notice of election is now June 30, from February 1, of the applicable year.

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PL 284-1995 - HOUSE ENROLLED ACT #1416 - Effective July 1, 1995

33-17-1-4 (Amended) - Clerk not personally liable for disbursed child support funds paid to the clerk by a personal check that was later dishonored by a financial institution.

34-4-16.5-5 (Amended) - Lawsuit alleging employee acted without scope of employee's employment bars an action by claimant against employee personally. If government entity answers employee acted outside scope of employee's employment, then plaintiff may amend and sue employee personally. Lawsuit must allege act or omission is (1) criminal, (2) outside scope of employment, (3) malicious, (4) willful and wanton, (5) calculated to benefit employee personally.

PL 293-1995 - HOUSE ENROLLED ACT #1251 - Effective July 1, 1995

35-38-2-2.3 (Amended) - Court, as a condition of probation, may execute a reimbursement plan to make repayments to the authority that operates a penal facility for all or a part of the costs of the person's confinement in the penal facility.

PL 300-1995 - HOUSE ENROLLED ACT #1362 - EFFECTIVE JULY 1, 1995

35-50-5-3 (Amended) - Clerk of the Circuit Court shall notify Indiana Department of Insurance of an order of restitution.

PL 309-1995 - SENATE ENROLLED ACT #70 - Effective July 1, 1995

36-1-9-3 (Amended) - Allows bids to be received electronically if (1) indicates in notice the procedures for transmitting the electronic bid and (2) bid received on FAX machine or system with a security feature that protects content of electronic bid to the same extent nonelectronic bids are protected.

36-1-9-6 (Amended) - Allows other evidence of financial responsibility as specified by purchasing agent in notice on bids exceeding \$100,000.

36-1-9-13 (Amended) - Allows purchase of materials without bids if there is only one source for the materials or supplies and following requirements are met (1)(a) purchasing agent makes a written statement of determination only one source exists and (b) includes a copy of determination in contract file and (2)(a) the proposed contract has a value of more than \$50,000, (b) purchasing agent has submitted contract and determination to the executive of political subdivision, and (c) the executive has approved the purchase in writing.

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PL 309-1995 - SENATE ENROLLED ACT #70 - (CONTINUED)

36-1-9-16 (New) - Executive may make special procurement under certain circumstances. (a) Emergency to public health, welfare, or safety exists. (b) Unique opportunity to obtain at substantial savings. (c) Market structure requires inspection and bid on supplies to be procured. (d) Compatibility is a substantial consideration and only one source meets requirements. (e) Procurement under other sections would seriously impair functioning of political subdivision. (f) Solicited under another section and received no responsive offer. (g) Market structure is based on price but is able to receive a dollar or percentage discount. Written documentation of the basis and selection of a contractor must be in contract file.

36-1-9-17 (New) - Does not gain property interest unless (a) bidder is awarded contract (b) contract completely executed.

36-1-9-18 (New) - Early performance will result in increased compensation or completion after termination date will result in deduction of compensation by either (a) percentage of contract or (b) specific dollar amount. Must be included in solicitation.

PL 310-1995 - HOUSE ENROLLED ACT #1463 - Effective July 1, 1995

36-1-11-1 (Amended) - Excludes the following from this chapter when the county is disposing of property: (1) the disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. Historic property as listed on National Register of Historic Places or eligible for listing, (2) disposal of real property to a governmental agency or nonprofit that exists for the primary purpose of enhancing the environment.

PL 311-1995 - HOUSE ENROLLED ACT #1108 - Effective January 1, 1996

36-1-11-6 (Amended) - Disposing of a law enforcement vehicle with model year of 1994 or after and is painted in a color scheme of more than one color requires certain provisions. Must provide a copy of this subsection to prospective purchaser prior to disposal.

PL 312-1995 - SENATE ENROLLED ACT #4 - EFFECTIVE JULY 1, 1995

36-1-12-7 (Amended) - Increased threshold of public works on a public building from \$50,000 to \$100,000.

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PL 313-1995 - HOUSE ENROLLED ACT #1073 - Effective Upon Passage

36-1-14 (New) - May donate the proceeds from the sale of a utility or facility or from a grant, gift, donation, endowment, bequest, or trust to a foundation under following circumstances: (1) foundation is a charitable nonprofit community foundation, (2) foundation retains all right to donation including investing, (3) foundation agrees to (a) hold donation as permanent endowment, (b) return donation to general fund if foundation loses status as a charitable organization, is liquidated, or violates condition of endowment. Income received may be used only for purposes of unit.

PL 314-1995 - HOUSE ENROLLED ACT #1297 - Effective Upon Passage

36-2-7-10 (Amended) - Authorizes supplemental fee for recording a document in an amount authorized by ordinance by the legislative body that is paid at the time of recording and may not exceed three dollars (\$3.00) for a single document. This is in addition to other fees. Revenue received from this supplemental fee shall be deposited in the recorder's record perpetuation fund.

PL 320-1995 - SENATE ENROLLED ACT #531 - Effective January 1, 1996

36-7-1 (Amended) - Zoning changes. Requirement of development plans.

PL 328-1995 - HOUSE ENROLLED ACT #1490 - Effective Upon Passage

36-10-3-11 (Amended) - Park and Recreation boards. Board may lease buildings or grounds belonging to the unit for not more than one year without bids if lease is to Indiana nonprofit corporation, buildings or grounds are operated as a public golf course, and golf course remains subject to rules of park board.